

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2399 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VANLILABEN H TRIVEDI

Versus

STATE OF GUJARAT

Appearance:

MR MIHIR H JOSHI for Petitioners
Mr.B.Y. Mankad, learned A.G.P.
for Respondent Nos. 1 & 2
MR RM CHHAYA for Respondent No. 3

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 10/03/99

ORAL JUDGEMENT

Rule. Mr. Mankad, learned A.G.P. and Mr. Chhaya waives service of rule on behalf of respondents Nos.1,2 and 3 respectively. On the request of both the sides, the matter is taken up for final hearing today.

On 26.3.98 while issuing notice returnable on

20.4.98 it was ordered that till then the respondents shall not proceed further under the U.L.C.Act in respect of the lands bearing S.Nos.81/1/1, 81/1/2, 81/2 and 84/5 admeasuring about 30609 sq.mts. which are the subject matter of this petition. The case of the petitioners is that their application under S.20 of the U.L.C.Act was pending. On 7.12.98 after hearing both the sides on the request of the learned A.G.P. while posting the matter on 14.12.198 it was ordered that on the next date i.e. 14.12.98 the fate of the proceedings under S.20 of the Act should be disclosed either on affidavit or by making a statement. On 20.1.99 it was recorded by the Court that there was no compliance by the State Government of the orders passed by the Court on 7.12.98 and, therefore, the matter was directed to be listed for final hearing on 17.2.99. Even today Mr. Mankad has submitted that application under S.20 is pending and the same has not been decided so far. In the facts and circumstances of this case, it is ordered that the petitioners' application dt.13.9.76 made under S.20 of the U.L.C.Act seeking exemption, which is pending with the concerned Competent Authority, shall be decided by such authority within a period of two months from the date the certified copy of this order is served upon the concerned Competent Authority. It will be the duty of the petitioners to serve the certified copy upon the concerned Competent Authority and for that purpose direct service is also permitted.

Till the Application under S.20 is not decided by the concerned Competent Authority, the proceedings against the petitioners under the U.L.C.Act in respect of the lands being S.Nos.81/1/1, 81/1/2, 81/2 and 84/5 admeasuring about 30609 sq.mts. situated at village Kotharpur shall remain stayed.

This Special Civil Application is allowed in the terms as aforesaid and the Rule is also made absolute accordingly. No order as to costs.